

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT E. JOHNSON;

Plaintiff,

v.

STEVEN SAGER, et al.,

Defendants.

Case No. C11-1117-RSM

ORDER RE: ORDER TO SHOW CAUSE

This matter comes before the Court *sua sponte*. On February 12, 2016, the Ninth Circuit awarded costs on appeal to Plaintiff Robert E. Johnson. Dkt. #67 at 6. On November 7, 2016, Plaintiff wrote to this Court indicating he has yet to receive the filing fee he paid, in the amount of \$455.00, from Defendants. Dkt. #126. Plaintiff stated that the “DOC has not been notified” and continues to deduct money from Plaintiff’s prison account, presumably to pay the appeal filing fee. *Id.* The Court received no further update from the parties until it ordered a response from Defendants on January 18, 2017. *See* Dkt. #128.

In Response to the Court’s Order to Show Cause, Defendants state that the costs awarded by the Ninth Circuit on February 12, 2016, have already been paid. Dkt. #129 at 2 (citing Dkt. #130-1 at 9-17). Defendants argue that Plaintiff has requested additional costs, filing a motion seeking \$306.10 and later requesting \$455. Defendants admit that the Court has

1 already indicated that Mr. Johnson should get these additional costs, but argue that because no
2 order was issued it was not possible to make payment. Defendants argue that interest on this
3 amount should not be awarded as a sanction because they acted in good faith.

4 Given the particular circumstances of this case, the Court finds that additional costs in
5 the amount of \$455 should be awarded to Plaintiff and paid by Defendants without interest.
6 Defendants were certainly on notice from Plaintiff and this Court that these additional costs
7 were due, yet failed to object to the award of these costs at any time and even now essentially
8 concede that these costs should be awarded. *See* Dkt. #129. The Court agrees with Defendants
9 that an award of interest on this amount is unnecessary.
10

11 The Court hereby finds and ORDERS that Defendants shall pay a costs award of
12 \$455.00 to Plaintiff no later than **fourteen (14) days** from the date of this Order. The Court
13 directs the Clerk to send a copy of this Order to Plaintiff at: Robert E. Johnson, #126696,
14 Coyote Ridge Correction Center, P.O. Box 769, Connell, WA 99326.
15

16
17
18 DATED this 23 day of January, 2017.

19
20
21
22
23
24
25
26
27
28



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE